

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

2024 JUL 30 AM 9:29

AMAURY URENA

Write the full name of each plaintiff.

1:24 CV 1886 (LTS)

(Include case number if one has been assigned)

-against-

AMENDED  
COMPLAINT  
(Prisoner)

Warden of Bronx Court (John Doe) Guilty

C.D. Martinez

City of New York

Do you want a jury trial?

☒ Yes ☐ No

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

**I. LEGAL BASIS FOR CLAIM**

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☐ Other: \_\_\_\_\_

**II. PLAINTIFF INFORMATION**

Each plaintiff must provide the following information. Attach additional pages if necessary.

AMARY V URENA  
First Name Middle Initial Last Name

JOHN E. COCHRAN  
State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

241-23-02807  
Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

(R.E.S.H.)  
Current Place of Detention

19-19 Hazen  
Institutional Address

East Elmhurst N.Y. 11370  
County, City State Zip Code

**III. PRISONER STATUS**

Indicate below whether you are a prisoner or other confined person:

- ☒ Pretrial detainee  
☐ Civilly committed detainee  
☐ Immigration detainee  
☐ Convicted and sentenced prisoner  
☐ Other: \_\_\_\_\_

#### IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

unknown First Name  
Gurby Last Name  
unknown Shield #  
Warden of BRONX Supreme Correctional Center Current Job Title (or other identifying information)  
265 E. 161st Street Current Work Address  
BRONX County, City  
New York State  
10459 Zip Code

Defendant 2:

unknown First Name  
Martinez Last Name  
unknown Shield #  
Correction officer Current Job Title (or other identifying information)  
265 E. 161st Street Current Work Address  
BRONX County, City  
New York State  
10459 Zip Code

Defendant 3:

\_\_\_\_\_ First Name  
 \_\_\_\_\_ Last Name  
 \_\_\_\_\_ Shield #  
 \_\_\_\_\_ Current Job Title (or other identifying information)  
 \_\_\_\_\_ Current Work Address  
 \_\_\_\_\_ County, City  
 \_\_\_\_\_ State  
 \_\_\_\_\_ Zip Code

Defendant 4:

\_\_\_\_\_ First Name  
 \_\_\_\_\_ Last Name  
 \_\_\_\_\_ Shield #  
 \_\_\_\_\_ Current Job Title (or other identifying information)  
 \_\_\_\_\_ Current Work Address  
 \_\_\_\_\_ County, City  
 \_\_\_\_\_ State  
 \_\_\_\_\_ Zip Code

## V. STATEMENT OF CLAIM

Place(s) of occurrence: COURT Holding cells

Date(s) of occurrence: 3/17/21 - 2/29/24

## FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

On Dates such as: 3/17/21 - 4/01/21 - 6/07/21 - 12/8/21 - 2/02/22  
 3/24/22 - 3/28/22 - 5/12/22 - 6/23/22 - 6/24/22 - 7/29/22 - 9/06/22  
 11/01/22 - 11/2/22 - 11/3/22 - 11/28/22 - 11/30/22 - 12/1/22 - 12/6/22  
 12/8/22 - 12/13/22 - 12/14/22 - 12/15/22 - 12/16/22 - 12/20/22 - 12/21/22  
 12/22/22 - 1/03/23 - 1/12/23 - 1/13/23 - 1/17/23 - 1/18/23 - 1/19/23  
 1/24/23 - 1/25/23 - 1/26/23 - 2/3/23 - 2/6/23 - 2/7/23 - 2/8/23 -  
 2/9/23 - 2/10/23 - 2/21/23 - 2/22/23 - 2/23/23 - 2/24/23 - 2/27/23  
 And dates before and after the ones above mentioned I was  
 incarcerated awaiting trial on Rikers Island. Throughout these  
 consecutive <sup>Dates</sup> ~~days~~ I was transported from facilities such as  
 G.R.V.C, N.I.C, A.M.K.C, to Bronx Supreme criminal court. Before  
 I was transported each day out these facilities to court I  
 was searched for weapons and contraband in which none were  
 present to be detected. Thereafter I was searched once again  
 at the Bronx Supreme criminal court for weapons and contraband  
 in which none were further present to be detected. Once the  
 search was completed due to my red I.D status handcuffs  
 waist chain shackles and mittens were administered on my person  
 and remained on throughout the court day until I came back  
 to the jail I was detained in, in which they were finally

looking off on these dates I remained throughout the day  
 in restraints without <sup>the opportunity</sup> to properly eat or use the bathroom.  
 When I inquired and asked officer Martinez why do I have to  
 remain in restraints "if I'm in a cell by myself and don't pose  
 a threat to nobody he replied and said that it's the policy  
 and it's mandated by the warden

#### INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Back pain wrist and ankle pain mental anguish emotional distress

#### VI. RELIEF

State briefly what money damages or other relief you want the court to order.

WHEREFORE I demand the following relief jointly and severally  
 against all of the individual defendants as well as the city of New York  
 in terms of compensatory damages, Punitive damages in the sum  
 of ten million dollars

**VII. PLAINTIFF'S CERTIFICATION AND WARNINGS**

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>July 7<sup>th</sup> 2024</u>		<u>ANALY URENA</u>
Dated		Plaintiff's Signature
<u>ANALY</u>	<u>V</u>	<u>URENA</u>
First Name	Middle Initial	Last Name
<u>(R.E.S.W) 19-19 Hazen street</u>		
Prison Address		
<u>East Elmhurst New York 11370</u>		
County, City	State	Zip Code

Date on which I am delivering this complaint to prison authorities for mailing: July 8<sup>th</sup> 2024

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AmAURY URENA

1:24 CV 1886 (LTS)

-plaintiff

MEMORANDUM  
OF LAW

-against-

WARDEN OF BRONX COURT GUITY

C.O MARTINEZ

CITY OF NEW YORK

I Amaury Urena submit this memorandum in support  
of ~~CIVIL~~ RIGHTS lawsuit pursuant to violations  
of Constitutional rights

STATEMENT  
OF FACTS

1. On consecutive court dates stemming from years inmates  
have remained in restraints. Throughout the day in Bronx  
Supreme criminal court, As they waited to see the judge  
alone in a cell where they could have not pose a threat  
to nobody. without being able to properly eat or use the  
Bathroom. And pertaining to the above mentioned facts  
Any reasonable person would conclude that this is a  
consistent practice/policy in the criminal Supreme court in  
the Bronx that's mandated by ~~super~~ supervisory officials  
such as wardens ect ect.

2. At all times, The defendant, CITY OF NEW YORK was And still is a municipal corporation organized and existing under and by virtue of the laws of the state of New York
3. At all times, The defendant SUPREME COURT of The county of the Bronx, was and is an agency of the defendant city
4. On through and all times herein after, the defendant warden GUEITY was and is a warden of the Bronx Supreme Criminal court. And all times herein was acting in such capacity as the agent, servant and employee of the city. And in charge of the supervisory of the Bronx Supreme Criminal court in terms of functions And practices therein.
5. On through and all times herein after the defendant C.O Martinez was and is a correction officer employed by the defendant CITY

LEGAL ARGUMENT  
UNCONSTITUTIONAL CONDITIONS  
OF CONFINEMENT

6. On consecutive dates mentioned on Amended complaint II AMARIS URENA was a pre-trial detainee And was protected from unconstitutional conditions of confinement by the fourteenth Amendment to the United States Constitution
7. Defendants CITY, GUEITY AND C.O MARTINEZ Failed to provide habitual conditions consistent with minimal constitutional standards when they failed kept me restrained in a cell alone for approximately 8 hours without access to basic necessities such as the opportunity



humanely eat or use the bathroom.

8. Despite knowing that basic needs were being deprived, Defendants CITY, GUEY, MARTINEZ & directed to effectuate constitutionally adequate conditions of confinement
9. The defendants, CITY, GUEY, MARTINEZ Are the direct and proximate result of the city policies and/or deliberate indifference to practices which involve the deliberate indifference to the need to train, supervise, monitor, investigate and discipline misconduct / constitutional violations
10. The acts of the employees of the city i.e. Correction officers and wardens, who violate the Civil and constitutional rights of the citizens of the city of New York routinely go unreported, undisciplined and their acts condoned by fellow officers and supervisors. The supervisors of defendants correction officers and wardens herein knew or should have known of the conduct of defendant <sup>correction</sup> ~~police~~ officers and warden and failed to stop report or intervene in the misconduct

### LEGAL STANDARDS

11. officials municipal include the decisions of a governments lawmakers the acts of its policy making officials and practices so persistent and widespread as to practically have the force of law  
Bombour supra at 480-481 106 S.Ct 1292 89L Ed 2d 452  
Adickes v. S.H. KRASS & CO., 398 U.S. 14 167-168 90 S.Ct 1598  
26 L.Ed 2d 142 (1970).

In which in this case the practice of leaving the restraints on Red Id pre-trial detainees in the Bronx Supreme Criminal court is so persistent that it has the force of law

12. A local government's decision not to train certain employees about their legal duties to avoid violating citizens rights may be rise to the level of an official government policy for purposes of 1983. A municipality culpability for a deprivation of rights is at most behaviors where a claim turns on a failure to train

OKLAHOMA CITY V TUTTLE 471 U.S. 808, 822-823 105 S.Ct 2427  
85 L.Ed 2d 791 (1985)

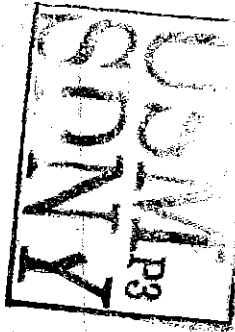
In which In this case the practice of leaving the restraints on pretrial detainees as they await court proceedings (who are Red id states) are so persistent, as normal practice for multiple years. That it is so evident that the defendant city failed to train to avoid violating citizens rights and gives rise to the level of an official government policy for purposes of 1983

13. A policy of inadequate training is far more nebulous and a good deal further removed from the constitutional violation than was the policy in *Monell* to satisfy the statute a municipalities failure to train its employees in a relevant respect must amount to deliberate indifference to the rights of persons with whom the untrained employees come into contact

CANTON 489 U.S. AT 388 109 S. Ct 1197, 103 L. Ed 2d 412

14. A pattern of similar constitutional violations by untrained employers is ordinarily necessary to demonstrate deliberate indifference for purposes of failure to train: Bd. of the CNTY. COMM'RS V BROWN 529 U.S. 397 Policymakers continued adherence to an approach that they know or should know has failed to prevent tortious conduct by employees may establish the conscious disregard for the consequence of their action. The deliberate indifference necessary to trigger municipal liability

AMARY URENA 241-73-02807  
(R.E.S.H) 19-19 HAZEN Street  
East Elmhurst N.Y 11370



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500 Pearl Street Rm#200  
New York, New York 10007



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